



Attorney Sharon Dornfeld explained that there were several lawsuits against the City regarding this issue and asked that the Commission approve this settlement agreement to resolve all of them. She explained that this settlement has been worked out with input from the neighbors, as well as Attorney Marcus and herself. She said there is still some fine tuning to be done and she asked that the Commission authorize her to make minor changes. The acceptance of the Conservation Easement has to the Common Council and she asked that the Planning Dept. staff be allowed to send it directly to them with the Commission's recommendation that it be

Chairman Finaldi said this a serious situation as they cannot replace what was cut down. Mr. Urice said this is an egregious thing as some of those trees were 100 years old. He said there is no way this Commission is going to approve a plan with just a few white pines, they want to see a full buffer reinstated. Mr. Mazzucco said it was a natural buffer, there was no year round shielding. He then cited the definition from Sec. 8.D.3. of the Regulations which says evergreen trees. Mr. Manuel said they obviously can't replace what has been cut down, but the plan that was submitted is totally unacceptable. He asked if there is anything left of the original site. Mrs. Emminger said she had worked with the Zoning Enforcement Officer (ZEO) to deal with

this. Once this was discovered, they required them to come back with this application. She continued saying they fully expect compliance and that will require a 25 ft. wide buffer. They also want to prevent a slope failure. Mr. Keller asked if the work continues on the rest of project while they are waiting to resolve this. Mrs. Emminger said they have obtained their zoning permit for one building, but the ZEO has agreed that no Certificates of Occupancy (C/O's) will be issued until this is resolved. She made reference to photos that were submitted to the ZEO by Ron Underwood in October 2006. Mr. Manuel said they are not going to be satisfied until the buffer is restored and made to look as natural as possible.

Attorney Neil Marcus spoke next saying it was unfair to send Mr. Mazzucco up first, since he did not make the mistake. He then said "to err is human and to forgive is divine" and there is no question that this is an error that was made by a subcontractor. He said they will correct as much of the error as is humanly possible. This was not a design issue, someone in the field was negligent and the applicant has to bear the wrath of this. This was an urban redevelopment project compared to what was there when they started. He said this is completely out of character for this applicant to allow the subcontractor to make the error. Mr. Urice then said they understand that some of the old trees cannot be replaced but the proposed 6 ft. Maples are not going to do it, they need to put bigger trees in. Attorney Marcus said so noted.

Chairman Finaldi asked if there was anyone to speak in opposition to this and several people came forward.

Ron Underwood said they know what the true story is. The building should have never been started. There was a 25 ft. buffer and now there is nothing left. He said AS SOON AS POSSIBLE he wants a 6-8 ft. high fence installed all around the ridge to restore his privacy. Chairman Finaldi thanked him for notifying the staff and taking the photos. Mr. Underwood said when they first started to take down trees, they only took a little, and then all of a sudden, everything was gone. Mr. Keller said he would rather see the buffer be reinstated first before any buildings are constructed. Mrs. Emminger said both the Planning Dept. and the Engineering Dept. have concerns about how it will fit into the slope. Mr. Keller asked how they can stop any further work from being done. Mrs. Emminger said she will speak to the ZEO tomorrow to make sure there is no additional excavation going on. Mr. Underwood said they could take three years to put in all the buildings and he wants some protection now. Mrs. Emminger said they will put a condition on the eventual resolution for this decision that no C/O's be issued.

Henrique Antonio, 21 Wood St., said 100 ft. of his back yard adjoins this property. He was here the night they opened the original hearing, but didn't say anything because they insisted the buffer was going to remain. He explained that when they started knocking down all the trees, he stopped by the site and asked if they were done because he wanted to repair his fence. They assured him they were done, so he had a new fence installed. Right after that, they clear-cut the remaining trees. They told him that they had to do that because they needed the space for the decks on the rear building. He asked that the Commission stop them from doing any work on the site until this is resolved. Even with his fence, he is looking right into these buildings. He said they are still working on this site, and asked why haven't they been stopped. He also is concerned that the runoff is going to knock his fence over. Mr. Keller said if there was a Cease & Desist order issued and these decks are going to run into the buffer; we should stop them from doing any further work. Mr. Manuel said it seems that they did this because they needed to do it to fit the decks in on the rear building, but the Commission needs to determine

Mr. Keller read the legal notice. Architect Brian Humes, from Jacunsky Humes Architects, said he would give a quick overview of this project. He said also present were City Engineer Farid Khouri, Police Chief Al Baker, Vincenzo Amendola and Brian Morgenroth, also from the City's Engineering Dept. Mr. Humes then said this is part of an urban renewal on Main St. He described the location of this site and said a zone change was granted in January of this year to allow for the combination of the lots into one parcel. He referred to two renderings, one of the site as it exists today and the other showing the site with the new Police structure on it. The three-story building would face Main St., with one story below grade. There also is a one story community room facing onto the plaza area which also faces the busy intersection. He said there would be 25,000 sq.ft. per floor with a lower basement area. The upper story would be of a rectangular shape, but the lower floor has a walk-out as well as a drive-in area. East Franklin St. is one way with a right turn only onto Main St. and that will not change. Public access will be only from Main St. onto a one way on, one way off parking deck. This parking deck will have 61 parking space and 11 handicapped spaces. Public access will be at street level from Main St. or from the parking deck. Both of these entrances concentrate all activity into the public lobby and this is the public component. There will be a sheltered area for staff under the parking deck that will contain 138 parking spaces. The activity in the staff parking area is heaviest at the shift changing times. There also is a fenced area for impounded vehicles. Only staff access will be

allowed from East Franklin St., this will be controlled by a card access system and the exits will have tire spikes to prohibit anybody from trying to bypass them and access the site. The site lighting is a combination of pole lights throughout parking area and also on the parking deck, as well as lights on the building. The emergency generator, dumpster and fuel storage area will be surrounded by a retaining wall 15 ft. down from the Main St. level so as not to be so visible. There are established Cherry trees and they are trying to preserve the treescape. There also will be Dogwood trees to accent the intersection of Main St. and Garamella Blvd. The low retaining wall (sitting wall height) will also have lettering on it identifying the structure. All of these areas will be lit at night to wash the building in low level light. He said the civil engineering firm for this project is SEA Consultants and there also was a traffic study prepared by Fitzgerald and Halliday Inc. Mr. Keller asked the highest elevation of the building. Mrs. Emminger said it is 74 ft. which is just under the maximum height for the zone. Mr. Keller said he is concerned about potential antennas on the rooftop. Mr. Humes said they have provided for them behind the mansard roof and they will consist of a vertical array of antennas instead of all of them off a single tower. Mr. Manuel asked if there will be gasoline and fuel stored on this site. Mr. Humes said any fuel storage will be only for the generators, not for vehicles.

Chairman Finaldi asked if there was anyone else who wanted to speak in favor of this.

Lynn Waller, 83 Highland Ave., said for once she is speaking in favor of something. She asked if the lighting or antennas will bother any of the surrounding residents. She closed saying we desperately need this and it is time that we upgrade, so she hopes this gets approved.

Police Chief Al Baker then said the present campus was built in 1970 and is much smaller. He said a big problem with the present structure has been a lack of jail cells. He said they have a five year strategic plan to add 50 more jobs so they will need the additional space this new facility will provide. He said he is excited about this since it is a well thought out project that will definitely enhance the entry into the City of Danbury.

Chairman Finaldi asked if there was anyone to speak in opposition to this and one man came forward.

Don Blachowicz said he lives at Hatters Yard in the building that is the closest to Garamella Blvd. He said he hasn't heard anything about how this will impact him since there will be an increase in both noise and traffic. He said the stream that crosses the road is placid most of the time, but there have been incidences where it has flooded and caused serious problems. Chairman Finaldi said the Commission is aware that this site is in a flood zone as they also need a floodplain permit from this Commission.

Mr. Hume spoke in rebuttal to Mr. Blachowicz's comments. He those were good points about Padanaram Brook, which has been looked at extensively by everyone, even the DEP. They are not changing the elevation of site, so the finished grades will be the same. The lot currently exists as a mass of broken pavement, but it will be changed to a better situation. They will be planting wetland plants to add pervious surface in the area between the parking and the brook. The new building is completely away by some distance from 100 year floodplain. Mr. Manuel asked if, on the subject of water, is he saying that there will be no increase in the runoff. Mr. Hume said they are improving it by the detention system, so there will be no net increase in runoff in flooding situations. Mr. Keller asked the distance from the rear property line to where

Sycamore Trails Group LLC – Application for twelve (12) lot subdivision (33.49 acres) “Savannah Hills” in the RA-80 Zone – 193-207 Great Plain Rd. (#J04084, #J04085, #J05099, #J05100) – Subdivision Code #06-09. This application has not yet received EIC approval. *Public hearing closed 2/7/07 – 65 days will be 4/13/07.*

Mrs. Emminger distributed a draft resolution and said it is odd to have this many conditions on the decision. Mr. Manuel said it appears that the proposed road improvements will improve the traffic situation in this area. Mrs. Emminger said the applicant is looking to submit to the STC

Mrs. Calitro explained that this is for an easement over a portion of property that WCI had conveyed to the City. The easement area contains switches that are part of the overall electric distribution system serving the WCI site. Their intent is to assign the easement rights to CL&P. Although this seems similar to a recent referral for a public utility easement across a City-owned



park, this is a different situation. The requirement for this easement restricts the development area, no matter who owns the property. Mrs. Calitro said that the Dept. does recommend the following conditions if the Commission decides to give this a positive recommendation.

- 1) The easement area should be confined to an area the minimum size of which is deemed necessary by the City for utility company purposes.
- 2) The Common Council should clarify if the easement includes rights to expand existing underground service to overhead service.
- 3) The City should reserve rights necessary to connect to said electric switches/lines necessary for development of the City-owned land.
- 4) All legal documentation should be in form and content satisfactory to the Office of Corporation Counsel.
- 5) The Office of Corporation Counsel should ensure that the granting of such easement is consistent with the City's agreement with the investors of the Sports Entertainment Complex for the study of the land and should notify said investors of potential restrictions based on the final easement area and document.
- 6) Submission of easement maps and documents in form and content acceptable to the Engineering Department and Office of Corporation Counsel.
- 7) Alternatively, the Office of Corporation Counsel may want to investigate the resale or "re-deed" of a minimal portion of land in this area back to WCI for utility purposes.

Mr. Urice made a motion to give this a positive recommendation subject to these 7 points. Mr. Keller seconded the motion and it was passed unanimously.

[illegible]

8-24 Referral/February '07 CC Agenda Item 29 – Acceptance of Kenmere Boulevard, Huckleberry Lane and Blueberry Lane.

Mrs. Calitro said that this request has been made before but the residents were not willing to do what needs to be done to make this happen. She explained the process for road acceptance. The roads must be improved to City road standards and the right-of-way deeded to the City in accordance with standard procedures. A road improvement assessment project will be required and legal costs associated with transfer of title will be incurred by each homeowner. Also the lot owners must be aware that this process may make their lot non-conforming with regard to area. She said if the Commission gives this a positive recommendation, the Dept. suggests it be subject to meeting the Engineering Dept. standards for the construction and satisfying Corporation Counsel regarding the changes to the deed and whatever other documentation is needed. Mr. Urice said he would abstain from this item as it was something he was involved in when he was on the Common Council. Chairman Finaldi suggested he participate in the discussion but just don't vote on it. Mrs. Calitro mentioned that this has been requested in the past but never pursued to completion. Mr. Urice said they really just want the City to take it over. Mrs. Calitro said there are things that need to be done before that happens. The first thing is that a survey of the residents needs to be done to determine if they want to go through what it would take to make these City streets. Mr. Manuel made a motion to give a positive recommendation only if the request is to accept the roads with the requirement that the City has to do a study to determine what needs to be done to bring the roads to City standards. But

Mrs. Calitro explained that the Council wants to try again to acquire these parcels which total approximately nine acres located on the west side of the Airport. The parcels consist of seven lots and a portion of Stable Dr. This has been deemed necessary for public convenience and aircraft approach safety. Almost 99% of the funding for this will come from Federal and State grants. The previous attempt to acquire these was withdrawn to coordinate with the State DOT. Mrs. Calitro said this proposal is consistent with the Plan of Conservation & Development and will improve the safety conditions at the Airport. Mr. Urice made a motion to give this a positive

At 10:15 PM, Mr. Urice made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.